

2009 DRAFTING REQUEST

Bill

Received: **12/22/2008**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0306 -

Topic:

Victim/witness surcharge to fund crime victim program

Instructions:

See attached and 07-0435

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 12/30/2008	kfollett 01/06/2009					S&L
/1	phurley 01/06/2009	kfollett 01/07/2009	mduchek 01/06/2009		sbasford 01/06/2009		S&L
/2			phenry 01/07/2009		lparisi 01/07/2009		

FE Sent For:

<END>

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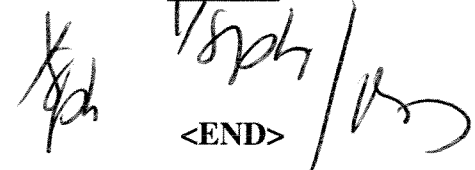
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/?	phurley 12/30/2008	kfollett 01/06/2009		_____			S&L
/1		12/15/08 1/7/09	mduchek 01/06/2009	_____	sbasford 01/06/2009		
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/?	phurley	1/15/09 1/16/09	1/16/09	1/16/09			

FE Sent For:

<END>

04305

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Increase Part B of the Victim/Witness Surcharge and Transfer Revenues to Crime Victim Compensation Program
- Tracking Code: BB0306
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOJ
- Agency number: 455
- Priority (Low, Medium, High): High

Intent: Increase Part B of the Victim/Witness Surcharge from \$20 to \$25. Use the new revenues and transfer amounts to the Crime Victim Compensation Program at the following amounts: \$315,000 in FY10 and \$500,000 in FY11.

5973.045
(1r)(a)2.

no overall ↑?

Intent is just to use the ↑ \$5 to victim comp program

20.455 (S)(90)
crime vic comp = 20.455(S)(h) = All \$ revenue for sex-assault victims
amts in schedule

t/c to Leah:
~~PR 5 approp?~~
same purpose as (KJ)

pt A goes to (S)(9)
KS

Hurley, Peggy

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, December 30, 2008 8:47 AM
To: Hurley, Peggy
Subject: RE: Part B of victim/witness

Yes.

From: Hurley, Peggy [mailto:Peggy.Hurley@legis.wisconsin.gov]
Sent: Tuesday, December 30, 2008 8:41 AM
To: Wavrunek, Leah J - DOA
Subject: RE: Part B of victim/witness

Hi Leah,

Yes, I have the bill drafted and I will put it into editing today. Basically, the bill increases part B from \$20 to \$25, but \$20 of each surcharge (80%) will stay with the sexual assault services programs. The extra \$5 (20%) will be credited into the general crime witness/victim general services appropriation and transferred to the victim payments appropriation, just as part A is deposited, then transferred now. Does that sound right to you?

Peggy

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, December 30, 2008 8:34 AM
To: Hurley, Peggy
Subject: Part B of victim/witness

Hi Peggy,

We had a briefing last week and the decision to increase Part B (instead of Part A) of the victim/witness surcharge was made. I think you already drafted a version of this, please let me know if you have any questions.

Thanks,
Leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

12/30/2008

16F

DOA:.....Wavrunek, BB0306 - Victim/witness surcharge to fund crime victim program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

12-30-07

1 AN ACT ...; relating to: the budget (O)

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

assistance

OTHER COURTS AND PROCEDURE

X Under current law, when a person is convicted of a crime or if a person was charged with a crime but the criminal charge was amended to a civil offense and a court finds that the person committed the civil offense, the person pays a crime victim and witness surcharge. The surcharge is \$85 for each felony charge and \$65 for each misdemeanor charge; current law splits the surcharge into two parts. For each felony surcharge, \$65 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims. For each misdemeanor surcharge, \$40 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims.

X This bill increases the portion of the surcharge that is used to provide grants to organizations that provide services for sexual assault victims from \$20 to \$25. Under the bill, \$20 of the surcharge is used to provide grants to organizations that

\$60

X provide services for sexual assault victims, and \$5 is used to provide compensation for crime victims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.455 (5) (g) of the statutes is amended to read:

2 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*

3 The amounts in the schedule for purposes of ch. 950. All moneys received from any
4 crime victim and witness assistance surcharge authorized under s. 973.045 (1) that
5 are allocated as part A of the surcharge under s. 973.045 (1r) (a) 1., 20 percent of all
6 moneys received from any crime victim and witness assistance surcharge authorized
7 under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045
8 (1r) (a) 2., all moneys received from any crime victim and witness assistance
9 surcharge authorized under s. 973.045 (1m), and all moneys received from any
10 delinquency victim and witness assistance surcharge authorized under s. 938.34 (8d)
11 (a) shall be credited to this appropriation account. The department of justice shall
12 transfer from this appropriation account to the appropriation account under par. (kj)
13 the amounts in the schedule under par. (kj).

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; s. 13.92 (2) (i).

14 **SECTION 2.** 20.455 (5) (gc) of the statutes is amended to read:

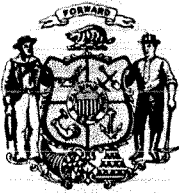
15 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*
16 *services.* All Eighty percent of all moneys received from any crime victim and witness
17 assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of
18 the surcharge under s. 973.045 (1r) (a) 2., to provide grants for sexual assault victim
19 services under s. 165.93.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; s. 13.92 (2) (i).

- 1 **SECTION 3.** 973.045 (1r) (a) 2. of the statutes is amended to read:
2 973.045 (1r) (a) 2. Part B equals \$20 ~~\$25~~ for each misdemeanor offense or count
3 and ~~\$20~~ \$25 for each felony offense or count.

4 **History:** 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-1250/1

PJH:kjf:lad

DOA:.....Wavrunek, BB0306 - Victim/witness surcharge to fund crime victim program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, when a person is convicted of a crime or if a person was charged with a crime but the criminal charge was amended to a civil offense and a court finds that the person committed the civil offense, the person pays a crime victim and witness assistance surcharge. The surcharge is \$85 for each felony charge and \$60 for each misdemeanor charge; current law splits the surcharge into two parts. For each felony surcharge, \$65 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims. For each misdemeanor surcharge, \$40 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims.

This bill increases the portion of the surcharge that is used to provide grants to organizations that provide services for sexual assault victims from \$20 to \$25. Under the bill, \$20 of the surcharge is used to provide grants to organizations that provide services for sexual assault victims and \$5 is used to provide compensation for crime victims.

insert analysis

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.455 (5) (g) of the statutes is amended to read:

2 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*

3 The amounts in the schedule for purposes of ch. 950. All moneys received from any
4 crime victim and witness assistance surcharge authorized under s. 973.045 (1) that
5 are allocated as part A of the surcharge under s. 973.045 (1r) (a) 1., 20 percent of all
6 moneys received from any crime victim and witness assistance surcharge authorized
7 under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045
8 (1r) (a) 2., all moneys received from any crime victim and witness assistance
9 surcharge authorized under s. 973.045 (1m), and all moneys received from any
10 delinquency victim and witness assistance surcharge authorized under s. 938.34 (8d)
11 (a) shall be credited to this appropriation account. The department of justice shall
12 transfer from this appropriation account to the appropriation account under par. (kj)
13 the amounts in the schedule under par. (kj).

14 **SECTION 2.** 20.455 (5) (gc) of the statutes is amended to read:

15 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*
16 *services.* All Eighty percent of all moneys received from any crime victim and witness
17 assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of
18 the surcharge under s. 973.045 (1r) (a) 2., to provide grants for sexual assault victim
19 services under s. 165.93.

20 **SECTION 3.** 973.045 (1r) (a) 2. of the statutes is amended to read:

Insert A

1 973.045 (1r) (a) 2. Part B equals \$20 \$25 for each misdemeanor offense or count
2 and ~~\$20~~ \$25 for each felony offense or count.

3 (END)

Insert B

D-Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1250/lins
PJH:kjf:md

1 **INSERT ANALYSIS:**

2 This bill increases the crime victim and witness assistance surcharge to \$90 for
3 each felony charge and \$65 for each misdemeanor charge. Under the bill, \$20 of this
4 portion is used to provide grants to organizations that provide services for sexual
5 assault victims and \$5 is added to the amount currently used to provide
6 compensation for crime victims.

7 **INSERT A:**

8 **SECTION 1.** 973.045 (1) ^(a) of the statutes is amended to read:

9 973.045 (1) If a court imposes a sentence or places a person on probation, the
10 court shall impose a crime victim and witness assistance surcharge calculated as
11 follows:

12 (a) For each misdemeanor offense or count, \$60 \$65.

13 (b) For each felony offense or count, \$85 \$90.

14 History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20.

15 **SECTION 2.** 973.045 (2m) of the statutes is amended to read:

16 973.045 (2m) The secretary of administration shall credit part A and 20
17 percent of part B of the crime victim and witness surcharge to the appropriation
18 account under s. 20.455 (5) (g) and 80 percent of part B to the appropriation account
19 under s. 20.455 (5) (gc).

20 History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1250/2
PZH:kjf:nd

Date

Leah:

I am submitting a /2 of this draft because I failed to increase the total victim witness surcharges by \$5 in the first draft and because I did not direct the department of administration to split the payments it receives under part B of the victim/witness surcharge between s. 20.455 (5) (g) (crime victim compensation) and 20.455 (5) (gc) (sexual assault victim services).

Please note, though, that although the draft increases part B by \$5, the extra \$5 is being credited to the same appropriation account, and for the same purpose, as part A (i.e., to s. 20.455 (5) (g) for crime victim compensation). I think it would be less confusing, and accomplish the same result, to increase part A by \$5. Please let me know if you would like me to make this change, or if you have any other questions or comments on this draft.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1250/2dn
PJH:kjf:ph

January 7, 2009

Leah:

I am submitting a /2 of this draft because I failed to increase the total victim witness surcharges by \$5 in the first draft and because I did not direct the Department of Administration to split the payments it receives under part B of the victim/witness surcharge between s. 20.455 (5) (g) (crime victim compensation) and 20.455 (5) (gc) (sexual assault victim services).

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Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1250/2
PJH:kjf:ph

DOA:.....Wavrunek, BB0306 - Victim/witness surcharge to fund crime victim program

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This bill increases the crime victim and witness assistance surcharge to \$90 for each felony charge and \$65 for each misdemeanor charge. Under the bill, \$20 of each surcharge is used to provide grants to organizations that provide services for sexual assault victims and \$5 is added to the amount currently used to provide compensation for crime victims.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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14 **SECTION 2.** 20.455 (5) (gc) of the statutes is amended to read:

15 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*
16 *services.* ~~All~~ Eighty percent of all moneys received from any crime victim and witness
17 assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of
18 the surcharge under s. 973.045 (1r) (a) 2., to provide grants for sexual assault victim
19 services under s. 165.93.

20 **SECTION 3.** 973.045 (1) (a) of the statutes is amended to read:

21 973.045 (1) (a) For each misdemeanor offense or count, \$60 ~~\$65~~.

SECTION 4. 973.045 (1) (b) of the statutes is amended to read:

973.045 (1) (b) For each felony offense or count, \$85 \$90.

SECTION 5. 973.045 (1r) (a) 2. of the statutes is amended to read:

973.045 (1r) (a) 2. Part B equals ~~\$20~~ \$25 for each misdemeanor offense or count and ~~\$20~~ \$25 for each felony offense or count.

SECTION 6. 973.045 (2m) of the statutes is amended to read:

973.045 (2m) The secretary of administration shall credit part A and 20 percent of part B of the crime victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and 80 percent of part B to the appropriation account under s. 20.455 (5) (gc).

(END)